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8 Attorneys for Defendants

9 MILANO PIZZA,

10 JOHN VOZAITIS and DENISE VOZAITIS

11 TRUSTEES OF THE JOHN and DENISE VOZAITIS

12 REVOCABLE LIVING TRUST dated DECEMBER

13 20, 2007; and DENNIS VOZAITIS, an individual dba

14 MILANO PIZZA

15

16 UNITED STATES DISTRICT COURT

17 NORTHERN DISTRICT OF CALIFORNIA

18 OAKLAND DIVISION

19 LES JANKEY, an individual

20 Plaintiff,

21 vs.

22 MILANO PIZZA; JOHN VOZAITIS and  
23 DENISE VOZAITIS, TRUSTEES OF THE  
24 JOHN and DENISE VOZAITIS REVOCABLE  
25 LIVING TRUST dated DECEMBER 20, 2007;  
26 and DENNIS VOZAITIS, an individual dba  
27 MILANO PIZZA,

28 Defendants.

Case No. **CV 09 – 2438 EMC CW**

**ANSWER TO COMPLAINT FOR  
INJUNCTIVE RELIEF AND DAMAGES**

**DEMAND FOR TRIAL BY JURY**

24 COMES NOW MILANO PIZZA; JOHN VOZAITIS and DENISE VOZAITIS,  
25 TRUSTEES OF THE JOHN and DENISE VOZAITIS REVOCABLE LIVING TRUST dated  
26 DECEMBER 20, 2007; and DENNIS VOZAITIS, an individual dba MILANO PIZZA,  
27 defendants (“Defendants”) file and serve their answer to the complaint for monetary, declarato

1 and injunctive relief ("Complaint"), demand a trial by jury, and responds as follows to the  
2 allegations of the Complaint:

3       1. Answering Paragraph 1 of the Complaint, defendants are without sufficient  
4 knowledge or information to form a belief as to the truth of the allegations contained in said  
5 paragraph, and on that basis DENY each and every allegation contained therein.

6       2. Answering Paragraph 2 of the Complaint, defendants are without sufficient  
7 knowledge or information to form a belief as to the truth of the allegations contained in said  
8 paragraph, and on that basis DENY each and every allegation contained therein.

9       3. Answering Paragraph 3 of the Complaint, defendants are without sufficient  
10 knowledge or information to form a belief as to the truth of the allegations contained in said  
11 paragraph, and on that basis DENY each and every allegation contained therein.

12       4. Answering Paragraph 4 of the Complaint, defendants are without sufficient  
13 knowledge or information to form a belief as to the truth of the allegations contained in said  
14 paragraph, and on that basis DENY each and every allegation contained therein.

15       5. Answering Paragraph 5 of the Complaint, defendants are without sufficient  
16 knowledge or information to form a belief as to the truth of the allegations contained in said  
17 paragraph, and on that basis DENY each and every allegation contained therein.

18       6. Answering paragraph 6 of the Complaint, Defendants ADMIT the allegations of  
19 paragraph 6 of the Complaint.

20       7. Answering Paragraph 7 of the Complaint, defendants are without sufficient  
21 knowledge or information to form a belief as to the truth of the allegations contained in said  
22 paragraph, and on that basis DENY each and every allegation contained therein.

23       8. Answering Paragraph 8 of the Complaint, defendants are without sufficient  
24 knowledge or information to form a belief as to the truth of the allegations contained in said  
25 paragraph, and on that basis DENY each and every allegation contained therein.

26       9. Answering Paragraph 9 of the Complaint, defendants are without sufficient  
27 knowledge or information to form a belief as to the truth of the allegations contained in said  
28 paragraph, and on that basis DENY each and every allegation contained therein.

1       10. Answering Paragraph 10 of the Complaint, defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis DENY each and every allegation contained therein.

4       11. Answering Paragraph 11 of the Complaint, defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in said  
6 paragraph, and on that basis DENY each and every allegation contained therein.

7       12. Answering Paragraph 12 of the Complaint, defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis DENY each and every allegation contained therein.

10      13. Answering Paragraph 13 of the Complaint, defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in said  
12 paragraph, and on that basis DENY each and every allegation contained therein.

13      14. Answering Paragraph 14 of the Complaint, defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in said  
15 paragraph, and on that basis DENY each and every allegation contained therein.

16      15. Answering Paragraph 15 of the Complaint, defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in said  
18 paragraph, and on that basis DENY each and every allegation contained therein.

19      16. Answering Paragraph 16 of the Complaint, defendant is without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in said  
21 paragraph, and on that basis DENIES each and every allegation contained therein.

22      17. Answering Paragraph 17 of the Complaint, defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in said  
24 paragraph, and on that basis DENY each and every allegation contained therein.

25      18. Answering Paragraph 18 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in said  
27 paragraph, and on that basis DENY each and every allegation contained therein.  
28

1       19. Answering Paragraph 19 of the Complaint, defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis DENY each and every allegation contained therein.

4       20. Answering Paragraph 20 of the Complaint, defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in said  
6 paragraph, and on that basis DENY each and every allegation contained therein.

7       21. Answering Paragraph 21 of the Complaint, defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis DENY each and every allegation contained therein.

10      22. Answering Paragraph 22 of the Complaint, defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in said  
12 paragraph, and on that basis DENY each and every allegation contained therein.

13      23. Answering Paragraph 23 of the Complaint, defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in said  
15 paragraph, and on that basis DENY each and every allegation contained therein.

16      24. Answering Paragraph 24 of the Complaint, defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in said  
18 paragraph, and on that basis DENY each and every allegation contained therein.

19      25. Answering Paragraph 25 of the Complaint, defendants are without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in said  
21 paragraph, and on that basis DENY each and every allegation contained therein.

22      26. Answering Paragraph 26 of the Complaint, defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in said  
24 paragraph, and on that basis DENY each and every allegation contained therein.

25      27. Answering Paragraph 27 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in said  
27 paragraph, and on that basis DENY each and every allegation contained therein.  
28

1       28. Answering Paragraph 28 of the Complaint, defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis DENY each and every allegation contained therein.

4       29. Answering Paragraph 29 of the Complaint, defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in said  
6 paragraph, and on that basis DENY each and every allegation contained therein.

7       30. Answering Paragraph 30 of the Complaint, defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis DENY each and every allegation contained therein.

10      31. Answering Paragraph 31 of the Complaint, defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in said  
12 paragraph, and on that basis DENY each and every allegation contained therein.

13      32. Answering Paragraph 32 of the Complaint, defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in said  
15 paragraph, and on that basis DENY each and every allegation contained therein.

16      33. Answering Paragraph 33 of the Complaint, defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in said  
18 paragraph, and on that basis DENY each and every allegation contained therein.

19      34. Answering Paragraph 34 of the Complaint, defendants are without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in said  
21 paragraph, and on that basis DENY each and every allegation contained therein.

22      35. Answering Paragraph 35 of the Complaint, defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in said  
24 paragraph, and on that basis DENY each and every allegation contained therein.

25      36. Answering Paragraph 36 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in said  
27 paragraph, and on that basis DENY each and every allegation contained therein.

28

1       37. Answering Paragraph 37 of the Complaint, defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis DENY each and every allegation contained therein.

4       38. Answering Paragraph 38 of the Complaint, defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in said  
6 paragraph, and on that basis DENY each and every allegation contained therein.

7       39. Answering Paragraph 39 of the Complaint, defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis DENY each and every allegation contained therein.

10      40. Answering Paragraph 40 of the Complaint, defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in said  
12 paragraph, and on that basis DENY each and every allegation contained therein.

13      41. Answering Paragraph 41 of the Complaint, defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in said  
15 paragraph, and on that basis DENY each and every allegation contained therein.

16      42. Answering Paragraph 42 of the Complaint, defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in said  
18 paragraph, and on that basis DENY each and every allegation contained therein.

19      43. Answering Paragraph 43 of the Complaint, defendants are without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in said  
21 paragraph, and on that basis DENY each and every allegation contained therein.

22      44. Answering Paragraph 44 of the Complaint, defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in said  
24 paragraph, and on that basis DENY each and every allegation contained therein.

25      45. Answering Paragraph 45 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in said  
27 paragraph, and on that basis DENY each and every allegation contained therein.  
28

1       46. Answering Paragraph 46 of the Complaint, defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis DENY each and every allegation contained therein.

4       47. Answering Paragraph 47 of the Complaint, defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in said  
6 paragraph, and on that basis DENY each and every allegation contained therein.

7       48. Answering Paragraph 48 of the Complaint, defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis DENY each and every allegation contained therein.

10      49. Answering Paragraph 49 of the Complaint, defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in said  
12 paragraph, and on that basis DENY each and every allegation contained therein.

13      50. Answering Paragraph 50 of the Complaint, defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in said  
15 paragraph, and on that basis DENY each and every allegation contained therein.

16      51. Answering Paragraph 51 of the Complaint, defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in said  
18 paragraph, and on that basis DENY each and every allegation contained therein.

19      52. Answering Paragraph 52 of the Complaint, defendants are without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in said  
21 paragraph, and on that basis DENY each and every allegation contained therein.

22      53. Answering Paragraph 53 of the Complaint, defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in said  
24 paragraph, and on that basis DENY each and every allegation contained therein.

25      54. Answering Paragraph 54 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in said  
27 paragraph, and on that basis DENY each and every allegation contained therein.  
28

1       55. Answering Paragraph 55 of the Complaint, defendants are without sufficient  
2 knowledge or information to form a belief as to the truth of the allegations contained in said  
3 paragraph, and on that basis DENY each and every allegation contained therein.

4       56. Answering Paragraph 56 of the Complaint, defendants are without sufficient  
5 knowledge or information to form a belief as to the truth of the allegations contained in said  
6 paragraph, and on that basis DENY each and every allegation contained therein.

7       57. Answering Paragraph 57 of the Complaint, defendants are without sufficient  
8 knowledge or information to form a belief as to the truth of the allegations contained in said  
9 paragraph, and on that basis DENY each and every allegation contained therein.

10      58. Answering Paragraph 58 of the Complaint, defendants are without sufficient  
11 knowledge or information to form a belief as to the truth of the allegations contained in said  
12 paragraph, and on that basis DENY each and every allegation contained therein.

13      59. Answering Paragraph 59 of the Complaint, defendants are without sufficient  
14 knowledge or information to form a belief as to the truth of the allegations contained in said  
15 paragraph, and on that basis DENIES each and every allegation contained therein.

16      60. Answering Paragraph 60 of the Complaint, defendants are without sufficient  
17 knowledge or information to form a belief as to the truth of the allegations contained in said  
18 paragraph, and on that basis DENY each and every allegation contained therein.

19      61. Answering Paragraph 61 of the Complaint, defendants are without sufficient  
20 knowledge or information to form a belief as to the truth of the allegations contained in said  
21 paragraph, and on that basis DENY each and every allegation contained therein.

22      62. Answering Paragraph 62 of the Complaint, defendants are without sufficient  
23 knowledge or information to form a belief as to the truth of the allegations contained in said  
24 paragraph, and on that basis DENY each and every allegation contained therein.

25      63. Answering Paragraph 63 of the Complaint, defendants are without sufficient  
26 knowledge or information to form a belief as to the truth of the allegations contained in said  
27 paragraph, and on that basis DENY each and every allegation contained therein.  
28

64. Answering Paragraph 64 of the Complaint, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis DENY each and every allegation contained therein.

65. Answering Paragraph 65 of the Complaint, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis DENY each and every allegation contained therein.

66. Answering Paragraph 66 of the Complaint, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis DENY each and every allegation contained therein.

67. Answering Paragraph 67 of the Complaint, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis DENY each and every allegation contained therein.

68. Answering Paragraph 68 of the Complaint, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis DENY each and every allegation contained therein.

69. Answering Paragraph 69 of the Complaint, defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis DENY each and every allegation contained therein.

70. Responding to the Prayer of the Complaint, each and every request for relief is DENIED as Plaintiffs are not entitled to any of the relief requested.

Defendants assert and allege the following separate defenses:

## SEPARATE DEFENSES

FIRST DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs' claims are barred under the doctrine of laches.

## SECOND DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that the Complaint and each claim therein, fails to state facts sufficient for any claim for relief or constitute a claim upon which relief may be based against the Defendants.

## THIRD DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that prior to the commencement of the within action, these answering Defendants duly performed, satisfied, and discharged all duties and obligations Defendants may have owed to Plaintiffs arising out of any and all matters that are the subject of the within Complaint, and therefore, the within Complaint are barred.

## FOURTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs' claims are barred by the doctrine of unclean hands.

## FIFTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs' claims are barred by Plaintiffs' voluntary participation in all or some of the acts alleged.

## SIXTH DEFENSE

**AS A SEPARATE DEFENSE,** Defendants allege that the Plaintiffs have failed to mitigate Plaintiffs' damages, if any, as required by law, and accordingly, Plaintiffs are precluded from recovery of any damages sought in the Complaint, which could have been reasonably avoided.

## SEVENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs were themselves guilty of misconduct which would preclude a right of recovery herein.

## EIGHTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs' claims, as alleged in the Complaint, are barred under the doctrine of estoppel.

## NINTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs, by reason of their knowledge, statements, and conduct have waived any right which they may have, if any, for any act or omission of these answering Defendants as alleged in the Complaint.

## TENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that there was an intervening and/or superseding cause of any injury suffered by Plaintiffs or any damages suffered by Plaintiffs, if any, and Plaintiffs' claims are barred, in whole or in part, as a result thereof.

## ELEVENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs were negligent in and/or contributed to their damages herein, if any, and that Plaintiffs' claims are barred, in whole or in part, as a result thereof.

## TWELFTH DEFENSE

**AS A SEPARATE DEFENSE,** Defendants allege that at all times mentioned in the Complaint, the Plaintiffs, knowing the probable consequence thereof, freely and voluntarily participated in all the activities alleged therein, and thereby assumed all risks attendant thereto and that Plaintiffs' claims are barred, in whole or in part, as a result thereof.

## THIRTEENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that by reason of the non-performance of Plaintiffs, and as a result thereof, Plaintiffs have waived and are precluded and/or estopped from asserting any rights under any agreement or understanding, if any, between the parties.

## FOURTEENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that, without conceding that any act of Defendants caused damage to the Plaintiffs in any respect, Defendants are entitled to set-off and recoupment against any judgment that may be entered for Plaintiffs. Set-off and recoupment are appropriate by reason of Plaintiffs' breach of contract and other wrongful conduct.

FIFTEENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that any obligation or liability of Defendants which may have existed has been discharged by operation of law.

SIXTEENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that there was a unilateral mistake of fact made by Defendants and known by Plaintiffs so that mutual consent did not exist in order to form any obligation between the parties such that no contract or obligation existed or exists between the parties in that Plaintiffs knew that Defendants understood that Defendants would not be obligated to provide housing for Plaintiffs.

SEVENTEENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Plaintiffs impliedly or expressly repudiated the agreement and therefore breached the contract by anticipatory repudiation or repudiation.

## EIGHTEENTH DEFENSE

**AS A SEPARATE DEFENSE,** Defendants allege that there was a novation of any agreement or obligation between the parties such that Plaintiffs should be denied any recovery in this action.

## NINETEENTH DEFENSE

**AS A SEPARATE DEFENSE**, Defendants allege that Defendants were induced by deceit by Plaintiffs and/or Plaintiffs' agents to enter into any agreement, if any agreement exists, based upon material misrepresentations to provide housing to plaintiff made by Plaintiffs and/or Plaintiffs' agents and that defendants reasonably relied upon the material false representations to their injury. As a result thereof, no agreement, no contract, no understanding, nor obligation exists between Plaintiffs and Defendants, or that any such contract, if found to exist, is void or voidable so that Plaintiffs should be denied any recovery in this action.

TWENTIETH DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants contend that the sole and/or partial proximate cause of any claims and/or damages alleged was due to the Plaintiffs and other persons, firms or entities not specifically named in the Complaint.

## TWENTY FIRST DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants allege that the Plaintiffs failed to fulfill express conditions precedent to the action sought or attempted herein, and it failed to fulfill notice requirements to these Defendants as a matter of law, and, therefore, Plaintiffs are barred as a matter of law from proceeding against Defendants.

## TWENTY SECOND DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants allege that they substantially have complied with all terms and conditions of any agreement, and, therefore, Plaintiffs' attempt to enforce any agreement is improper and ineffective.

## TWENTY THIRD DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants allege that Plaintiffs have through their own actions and/or omissions prevented Defendants from performing and, accordingly, have released Defendants from any duty or liability of performance and any and all damages suffered by Plaintiffs as a result thereof.

## TWENTY FOURTH DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants allege that any alleged breach of any agreement is insubstantial and minor in nature and will not support the claims as alleged by the Plaintiffs in their Complaint.

## TWENTY FIFTH DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants allege that there was a failure of consideration.

## TWENTY SIXTH DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint and each claim therein, these answering Defendants allege that through mistake and misunderstanding of the parties to the agreement, if any that Plaintiff understood that there was a unilateral mistake of the defendants that Plaintiffs' knew they would not provide housing to Plaintiffs and Plaintiffs knew of the unilateral mistake of the Defendants and therefore unilateral mistake existed and any agreement, if any, is void or voidable.

## TWENTY SEVENTH DEFENSE

**AS A SEPARATE DEFENSE**, to the Complaint, Defendants allege that they never intended to violate any of the applicable housing laws as alleged in the Complaint and never did violate any of the housing laws as alleged in the Complaint, or any other applicable housing laws.

## PRAYER

WHEREFORE, Defendants pray for judgment against Plaintiff, with election of such remedies being in the alternative and for election at the time of trial, as follows:

1. That the relief prayed for in the Complaint on file herein be denied;
2. That the Plaintiff take nothing by way of the Complaint on file herein;
3. That any agreement alleged in the Complaint be declared void;
4. That any agreement alleged in the Complaint be declared voidable and rescinded;
5. That the Complaint be dismissed with prejudice;
6. That the Court award Defendants costs of suit incurred herein;
7. That Defendants be awarded attorney's fees;
8. That the Court award Defendants such other and further legal and equitable relief as this Court may deem just and proper in this matter.

1 Dated: September 21, 2009

2 By: Joseph K. Bravo

3 Joseph K. Bravo

4 Attorney For Defendants

5 MILANO PIZZA, JOHN VOZAITIS and  
6 DENISE VOZAITIS, TRUSTEES OF THE  
7 JOHN AND DENISE VOZAITIS  
8 REVOCABLE LIVING TRUST dated  
9 DECEMBER 20, 2007; and DENNIS  
10 VOZAITIS, an individual dba MILANO  
11 PIZZA

12 **JURY TRIAL DEMANDED**